

AMENDED IN SENATE APRIL 16, 2009

SENATE BILL

No. 416

Introduced by Senator Florez

February 26, 2009

An act to add Section 49437 to the Education Code, to amend Section 14289 of, and to add Section 18739 to; the Food and Agricultural Code, and to add Section 4335 to the Government Code, relating to antibiotics.

LEGISLATIVE COUNSEL'S DIGEST

SB 416, as amended, Florez. Antibiotics.

(1) The Pupil Nutrition, Health, and Achievement Act of 2001 requires a school to follow the Enhanced Food Based Meal Pattern, Nutrient Standard Meal Planning, or Traditional Meal Pattern developed by the United States Department of Agriculture or the Shaping Health as Partners in Education (SHAPE) Menu Patterns developed by the state in order to qualify for reimbursement for free and reduced-price meals sold or served to pupils. The act additionally prescribes nutrition standards for snacks sold to pupils in middle, junior, or high school with certain exceptions, and prohibits the sale of certain beverages to a pupil at an elementary school, except as specified. Existing law, commencing July 1, 2009, prohibits schools from making available to pupils food containing artificial trans fat, as specified.

This bill would prohibit, commencing January 1, 2012, a school or school district from serving poultry and meat products treated with *nontherapeutic* antibiotics to pupils, thereby imposing a state-mandated local program.

~~(2) Existing law prescribes the distribution and use of livestock drugs, as defined, and prohibits a person from selling any livestock drug without a registration certificate issued by the Director of Pesticide~~

~~Regulation. Existing law exempts from this requirement any livestock drug sold by or under the direction of a licensed veterinarian or that is compounded by a registered pharmacist upon the prescription of a licensed veterinarian. Existing law defines a restricted drug for these purposes as a livestock drug which, if improperly administered to livestock is dangerous to the health of the livestock or to humans who consume products from that livestock. Restricted drugs include, among others, antibiotic preparations. Existing law prohibits the registration of a restricted drug in certain circumstances.~~

~~This bill would prohibit the registration of any antibiotic preparations.~~

~~(3)~~

(2) Existing law authorizes the Secretary of Food and Agriculture, if the secretary determines that an animal raised for the production of any food product is or may be carrying in its body pesticides, poisons, or other deleterious substances, including, among others, antibiotics, which may render any food product from such animal injurious to human health, to order the animal held and segregated until the secretary has determined that the animal may safely be released for human food purposes.

This bill would, commencing January 1, 2015, prohibit a person from using antibiotics for nontherapeutic and prophylactic use in any animal raised for the production of any human food product.

Under existing law, a violation of this provision of the bill would be a crime. Because this bill would create new crimes, the bill would impose a state-mandated local program.

~~(4)~~

(3) Under existing law, in the purchase of supplies, state and local governments are required to prefer supplies grown, manufactured, or produced in this state.

This bill would also require state and local governments, when purchasing meat supplies, to prefer meat supplies produced without the use of medically important antibiotics as feed additives. Because this requirement would impose a new duty on local governmental agencies, the bill would impose a state-mandated local program.

~~(5)~~

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 49437 is added to the Education Code,
2 to read:
3 49437. Commencing January 1, 2012, a school or school district
4 shall not serve poultry and meat products treated with
5 ~~nontherapeutic~~ antibiotics to pupils.
6 ~~SEC. 2. Section 14289 of the Food and Agricultural Code is~~
7 ~~amended to read:~~
8 ~~14289. (a) If the livestock drug is a restricted drug, the director~~
9 ~~shall also refuse registration if he or she finds that the instructions~~
10 ~~for use do not contain adequate and satisfactory directions as to~~
11 ~~the methods of handling, caring for, holding, or otherwise~~
12 ~~managing the livestock to which the drug is administered so as to~~
13 ~~eliminate any danger to the health of any person who might~~
14 ~~consume food products which are derived from that livestock.~~
15 ~~(b) Notwithstanding any other provision of law, the director~~
16 ~~shall refuse registration of any antibiotic preparations.~~
17 ~~SEC. 3.~~
18 SEC. 2. Section 18739 is added to the Food and Agricultural
19 Code, to read:
20 18739. Commencing January 1, 2015, no person shall use
21 antibiotics for nontherapeutic and prophylactic use in any animal
22 raised for the production of any human food product.
23 ~~SEC. 4.~~
24 SEC. 3. Section 4335 is added to the Government Code, to
25 read:
26 4335. All state and local governmental agency personnel
27 charged with purchasing meat products for human consumption
28 shall always prefer meat supplies produced without the use of
29 medically important antibiotics as feed additives.

1 ~~SEC. 5.~~
2 *SEC. 4.* No reimbursement is required by this act pursuant to
3 Section 6 of Article XIII B of the California Constitution for certain
4 costs that may be incurred by a local agency or school district
5 because, in that regard, this act creates a new crime or infraction,
6 eliminates a crime or infraction, or changes the penalty for a crime
7 or infraction, within the meaning of Section 17556 of the
8 Government Code, or changes the definition of a crime within the
9 meaning of Section 6 of Article XIII B of the California
10 Constitution.
11 However, if the Commission on State Mandates determines that
12 this act contains other costs mandated by the state, reimbursement
13 to local agencies and school districts for those costs shall be made
14 pursuant to Part 7 (commencing with Section 17500) of Division
15 4 of Title 2 of the Government Code.